## AMENDMENTS TO THE CLAIMS

Please amend Claims 1, 3, 5-8, 13-16, 21, 23, and 24 as indicated below.

Please cancel Claims 25-28 without prejudice as indicated below.

1. (Currently Amended) A method of communicating a message via a computer network, the method comprising:

providing internet access services to a plurality of subscribers with a target server by receiving with a plurality of modems connected to the target server a plurality of in-bound requests from the subscribers for access to the Internet, wherein ~~selecting a target server such that a target transceiver and~~ the target server ~~are~~ is located within a same local-toll area of a public switched telephone network as a target transceiver ~~connected to the target server and the target transceiver~~, and wherein the target transceiver is different than the subscribers sending in-bound requests to the target server; ~~and~~

~~transmitting~~ receiving at the target server via the Internet a message from a sending server wherein the message is directed to the target transceiver, and wherein the messages are to be sent as outbound facsimile transmissions from the target server to the target transceiver, ~~to the target transceiver via the target server wherein the target server comprises a plurality of outgoing dial-up modems and wherein the outgoing dial-up~~ and wherein the modems that receive the in-bound requests for access to the Internet from the subscribers are further configured to transmit ~~communicate~~ the message as a facsimile transmission from the target server to the target transceiver via the public switched telephone network~~;~~;

determining with a processor whether one or more modem ports ~~availability of the outgoing dial-up modems~~ at the target server is inactive such that at least one of the modem ports is not receiving in-bound requests for Internet access from ~~by determining whether the outgoing dial-up modems are active~~one or more of the subscribers;

if none of the modem ports are inactive, applying a variable wait time ~~when the outgoing dial-up modems are active~~, wherein a duration of the variable wait time is applied based at least in part on historical data, based at least in part on the number of modems, and based at least in part on the number of subscribers ~~and based at least in part on the utilization of the outgoing dial-up modems~~;

after the variable wait time, determining with a processor whether one or more of the ~~availability of the outgoing dial-up~~ ~~modems~~ modem ports is inactive~~at the target server by determining whether the outgoing dial-up modems remain active~~; ~~and~~

sending the message as an outgoing facsimile transmission via an available ~~outgoing dial-up~~ modem and the public switched telephone network to the target transceiver if at least one of the ~~outgoing dial-up modems~~ modem ports is ~~available~~ inactive ~~and applying another variable wait time if the outgoing dial-up modems remain active~~;

and sending a confirmation from the target server to the sending server confirming the sending of the message as a facsimile transmission to the target transceiver.

2. (Previously Presented) The method of Claim 1, further comprising storing the message at the target server.

3. (Currently Amended) The method of Claim 1, further comprising reserving an available ~~outgoing dial-up~~ modem for transmitting the message to the ~~recipient~~ target transceiver.

4. (Canceled)

5. (Currently Amended) The method of Claim 1, wherein determining whether one or more of the modem ports is inactive ~~availability of the outgoing dial-up modems~~ is performed periodically at predetermined times, or at start-up of the target

server, or after one of the ~~outgoing dial-up~~ modems is removed or another of the ~~outgoing dial-up~~ modems is added.

6. (Currently Amended) The method of Claim 1, further comprising saving an active state of one or more of the modems~~the outgoing dial-up modem~~ in a memory.

7. (Currently Amended) The method of Claim 1, further comprising queuing the message for sending at a later time if there is no ~~outgoing dial-up~~ modem available for immediate sending.

8. (Currently Amended) The method of Claim 1, wherein the variable wait time is based upon at least one characteristic of the load upon the ~~outgoing dial-up~~ modems.

9. (Previously Presented) The method of Claim 1, further comprising sending a transmittal report to a transceiver having originated the message.

10. (Canceled)

11. (Previously Presented) The method of Claim 1, further comprising receiving the message, wherein receiving the message includes handling the message according to the T.37 standard.

12. (Canceled)

13. (Currently Amended) A system for communicating a message via a computer network, the system comprising:

a target server that provides Internet access services to a plurality of subscribers, wherein the target server is in communication with a plurality of modems that receive in-bound requests from the subscribers for internet access services and wherein the ~~means for selecting a~~ target server and ~~such that a~~ target transceiver ~~and the target server~~ are located within a same local-toll area of a public switched telephone network connected to the target server and the target transceiver;

wherein the target server is configured to receive ~~means for transmitting~~ a message from a sending server ~~to the target transceiver~~ via the Internet~~target server, wherein the target server comprises a plurality of outgoing dial-up modems and wherein the outgoing dial-up modems are configured to communicate~~ wherein the target server is further configured send the message as an outgoing facsimile transmission to the target transceiver via the public switched telephone network;

wherein the target server determines whether one or more of the ~~means for determining whether the outgoing dial-up~~ modems in communication with ~~at~~ the target server is inactive ~~are active~~, such that one or more of the modems are not in communication with one or more of the subscribers;

wherein the target server is configured to apply ~~means for applying~~ a variable wait time when the ~~outgoing dial-up~~ one or more of the modems are not inactive~~active~~, wherein a determined duration of the variable wait time is variably applied based at least in part on historical data and based at least in part on the utilization of the ~~outgoing dial-up~~ modems;

wherein the target server is configured to determine ~~means for determining~~ whether at least one of the ~~outgoing dial-up~~ modems is ~~available~~ inactive after the variable wait time; and

wherein the target server is configured to send ~~means for sending~~ the message as an ~~via an available~~ outgoing facsimile transmission to the target transceiver via ~~dial-up~~ the modem and the public switched telephone network.

14. (Currently Amended) The system of Claim 13, wherein the target server is further configured to store ~~comprising means for storing~~ the message at the target server.

15. (Currently Amended) The system of Claim 13, wherein the target server is further configured to reserve ~~comprising means for reserving an available outgoing dial-up~~ a modem for transmitting the message to the recipient.

16. (Currently Amended) The system of Claim 13, wherein the target server is configured to queue ~~further comprising means for queuing~~ the message for sending at a later time if there is no ~~outgoing dial-up~~ modem available for immediate sending.

17.-20 (Canceled).

21. (Currently Amended) A method of communicating a message via a computer network, the method comprising:

~~transmitting a message from a first transceiver to a first server via a public switched telephone network;~~

receiving a message from a transceiver and a first server at ~~selecting~~ a second server such that a second transceiver and the second server are located within a same local-toll area of ~~the~~ a public switched telephone network and wherein the public switched telephone network is connected to the second server and to the second transceiver;

providing internet access services with the second server to a plurality of subscribers with a plurality of modems connected to the target server, wherein the modems receive a plurality of in-bound requests from the subscribers for access to the Internet, ~~forwarding the message by the first server, via a computer network, to the second server wherein the second server comprises a plurality of outgoing dial-up modems,~~ and wherein the ~~outgoing dial-up~~ modems are configured to communicate the message to recipients via the public switched telephone network;

receiving and storing the message at the second server;

determining whether one or more of the ~~outgoing dial-up~~ modems are ~~active~~ inactive such that at least one of the modems is not in communication with one or more of the subscribers;

determining and applying a variable wait time when ~~the outgoing dial-up~~ modems are not inactive~~active~~, wherein the duration of the variable wait time is

applied based at least in part on historical data and based at least in part on a number of the ~~dial-up~~ modems;

determining availability of ~~each of~~ the ~~outgoing dial-up~~ modems after the variable wait time; and

if one of the ~~outgoing dial-up~~ modems is available after the variable wait time, sending the message via an available one of the ~~outgoing dial-up~~ modems and the public switched telephone network to the second transceiver.

22. (Previously Presented) The method of Claim 21, wherein receiving and storing includes processing the message according to a store-and-forward protocol.

23. (Currently Amended) The method of Claim 21, further comprising reserving ~~the~~ an available ~~outgoing dial-up~~ modem for sending the message.

24. (Currently Amended) The method of Claim 21, further comprising queuing the transmission of the message, wherein queuing transmission of the message includes the variable wait time and wherein the variable wait time is further based upon at least one characteristic of the load upon the ~~outgoing dial-up~~ modems.

25.-31. (Canceled)